

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

JAMES FINCH and JUSTIN FINCH,)
a Minor, by and through his next)
Friend, Kim Biondi, and THE)
ESTATE OF RICKY G. FINCH, by)
and through the Temporary)
Administrator of his estate,)
James Nelson Finch,)

CIVIL ACTION FILE NO.

2:10-CV-0062-WCO

Plaintiffs,)
)
)

vs.)
)
)

DONALD SHANE BROWN, in his)
individual capacity, and PHILLIP)
STANLEY, in his individual capacity,)
)
)

Defendants.)

CONSENT MOTION FOR TEMPORARY STAY OF PROCEEDINGS

Come Now the parties to the within action and Move the Court for an Order by which all proceedings herein will be the subject of a temporary stay, showing in support the following:

1. This litigation arises from the in-custody suicide death of Ricky Finch on November 12, 2008. Finch had been arrested on that day and transported to the Jackson County Jail. Plaintiffs have alleged that Mr. Finch communicated to book-in officers that he wanted to harm or kill himself, and have alleged that Defendants Brown and Stanley were deliberately indifferent to Finch's threat of suicide.

2. Plaintiffs' complaint was filed on April 13, 2010. Defendants' respective Answers were timely filed on June 1, 2010. Discovery has not yet commenced.

3. Counsel for the parties have conferred concerning the claims presented by this litigation and have agreed that there is some possibility of an early negotiated resolution.

4. Counsel respectfully show that the most efficient and economical fashion to explore the possibility of a negotiated resolution of this litigation would be to permit the parties to focus on efforts to negotiate rather than simultaneously commence discovery and other facets of litigation.

5. Counsel show that they believe that they can prepare for and complete good faith negotiations, including mediation, by not later than July 25, 2010.

For and upon the foregoing, the parties pray that the Court Order as follows:

a. That all proceedings in this litigation be stayed up to and including July 25, 2010;

b. That discovery in this litigation will commence on Monday, July 26, 2010, in the event that no resolution has been reached by the parties;

c. That not later than July 26, 2010, the parties are to report to this Court whether they have reached a resolution of the issues presented by this litigation.

S/ G. BRIAN SPEARS

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Consented to by:

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CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2010, I electronically filed the attached with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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